

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Case No.: 2:18-cr-00294-APG-DJA

Plaintiff

Order Denying Motion for Resentencing

V.

[ECF Nos. 198, 199]

VINCENT LEMUS-MORALES,

Defendant

8 Defendant Vincent Lemus-Morales filed a motion to be resentenced based upon
9 Sentencing Guideline Amendment 821, which went into effect on November 1, 2023. ECF No.
10 198. He does not explain why he believes he qualifies for that relief. Lemus-Morales also asks
11 that the federal public defender be appointed to represent him in connection with the motion.
12 ECF No. 199.

13 The federal public defender made an appearance on behalf of Lemus-Morales and
14 determined that he does not qualify for a sentence reduction. ECF Nos. 201, 202. I agree that he
15 does not qualify for resentencing under Amendment 821. He was not a “zero point” defendant,
16 and he did not receive additional criminal history status points from committing the crimes while
17 under a pending criminal sentence.

18 I THEREFORE DENY the motion for resentencing (ECF No. 198). I also deny as moot
19 the motion for appointment of counsel (ECF No. 199).

20 DATED this 1st day of December, 2023.


ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE